

MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Monday, October 17, 2011
Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, J. Goodwin, R. Hall, K. Holt, G. Lewis, B. Ryan, P. Plante, B. Pociask
Alternates present: K. Rawn
Alternates absent: F. Loxsom, V. Ward
Staff Present: Linda M. Painter, Director of Planning and Development
Curt Hirsch, Zoning Agent

Chairman Favretti called the meeting to order at 7:00 p.m., appointing Rawn to act in case of member disqualification.

Favretti MOVED, Holt seconded, to add to the agenda under Old Business: Modification Request: Building Area Envelope Revision, 87 Jonathan Lane, PZC File #1113-3. MOTION PASSED UNANIMOUSLY.

Minutes:

10-03-11- Hall MOVED, Ryan seconded, to approve the 10/3/11 minutes as written. MOTION PASSED with all in favor except Plante and Pociask who disqualified themselves.

10-11-11 Field Trip- Goodwin MOVED, Holt seconded, to approve the 10/3/11 Field Trip minutes with the correction that Ryan was not present. MOTION PASSED with Holt, Rawn, Favretti and Goodwin in favor and all others disqualified.

Zoning Agent's Report:

Hirsch updated the Commission that all plantings have been installed, with a few minor revisions to be made, at the Paideia site. Also, he and the Chairman signed off on a modification at the Montessori school.

Public Hearing:

Live Music Permit Renewals, Huskies, King Hill Rd; Pub 32, Rt. 32; Ted's Restaurant, King Hill Rd. PZC File #895

Chairman Favretti opened the Public Hearing for the Live Music Permit renewals at 7:05 p.m. Members present were: Favretti, Beal, Goodwin, Hall, Holt, Lewis, Ryan, Plante, Pociask, and alternate Rawn. Linda Painter, Director of Planning and Development, read the legal notice as it appeared in the Chronicle on 10/4/11 and 10/12/11 and noted a 9/21/11 memo from C. Hirsch, Zoning Agent.

Hirsch stated that no complaints or concerns have been received regarding any of the restaurants concerned. Chairman Favretti noted for the record that there were no questions or comments from the Commission or the public. Beal MOVED, Holt seconded, to close the public hearing at 7:10 p.m. MOTION PASSED UNANIMOUSLY.

Plante MOVED, Holt seconded, to approve the Live Music Permit renewals through November 1, 2012 for the following restaurants: Huskies Restaurant, file # 780-2; Pub 32, file # 595; and Ted's Restaurant, file # 1107. These renewals are conditioned upon compliance with the current mandated conditions for each, which shall be attached to this motion. Condition #2 of the Pub 32 approval is hereby revised as follows: 2. A restaurant employee shall be utilized on Thursday, Friday and Saturday nights for the aforementioned purpose between the hours of 9:30 p.m. and closing, to monitor the parking lot for noise and traffic safety. MOTION PASSED UNANIMOUSLY.

Zoning Agent's Report Continued:

Cease and Desist Order-Freedom Green

Hirsch reviewed the materials and pictures that members received in the packet and stated that the buildings currently being built are substantially different than the 1995 approved plans originally submitted to the Town. He suggested the Commission visit the site to make a determination.

Thomas Weinland, 2 Nutmeg Court, President of Freedom Green Condo Association, distributed photos that he took that show that the buildings are not consistent with other buildings in the project, noting that they are much larger and unsightly. He stated that this is not the design plan that was originally approved. He encouraged the Commission to visit the site.

Robert Amantea, Design Development Group, and Jean Beaudoin, explained that the buildings in question are the same units approved for and built on Samuel Lane; the only difference is topography.

After extensive discussion, it was the consensus of the Commission to schedule a field trip for 10/25/11 at 1:30 p.m. Copies of the grading plan and building design, as originally approved, were requested by the Commission.

Pociask MOVED, Plante seconded, to allow the owner to complete the roof on the building, as a modification to the cease and desist order in place. MOTION PASSED with all in favor except Hall, Favretti and Ryan.

Old Business:

1. **Request for Scenic Road Designation, Gurleyville Road (from Route 195 to Codfish Falls Rd) PZC File # 1010-8**

Plante and Pociask disqualified themselves. Alternate Rawn was appointed to act. Discussion was held regarding the testimony from the Public Hearing concerning the safety on Gurleyville Road. Favretti felt that the very nature of the road is what contributes to its scenic quality. Several members stated that designating it as a scenic road would not prevent future safety improvements. Lewis expressed concern over the safety of pedestrians on the road and because of this he would not vote in favor of this application. Noting no further discussion, Favretti and Holt volunteered to work with staff to draft a motion for the next meeting.

2. **Request for consideration of Payment in Lieu of Conservation Easement, Listro Property, PZC File #1296**

Goodwin MOVED, Holt seconded, that the Planning and Zoning Commission, pursuant to Section 13.6 of the Mansfield Subdivision Regulations, modify the 2011 approval of the Listro Subdivision (File #1296), located at Stearns Road and Candide Lane, to eliminate the Conservation Easements on Parcels A and B only, and accept a fee in lieu of dedication in the amount of \$5,470.50. Said fee shall be paid to the Town of Mansfield as an expense of closing at such time as the new lot is sold or otherwise transferred. Additionally, a second ninety day extension for filing final subdivision plans is granted pursuant to Section 6.15 of the Mansfield Subdivision Regulations. Final subdivision plans must be submitted on or before January 25, 2012. A copy of this Motion shall be recorded on the Mansfield Land Record as security for this payment.

In support of this motion, the Commission states:

1. It is recognized that this subdivision presents a unique situation in that, although it is technically a new subdivision, it is in actuality a carving out of one lot from two existing and previously developed lots;
2. It has been demonstrated to the Commission's satisfaction that the Conservation Easements on Parcels A and B are unintentionally encumbering the new lot with a mortgage because the lender will not release the new lot from its existing mortgage so long as Conservation Easements remain on the land that the lender will retain as security;
3. Without a Release of Mortgage for the new lot, said lot cannot in fact be carved from the original parcels, thereby negating the Commission's previously granted subdivision approval;
4. The areas of the Conservation Easements are steeply sloped and largely wetlands, making development of this land or deliberate encroachment onto this land highly unlikely. Moreover, any development in the area of the Conservation Easement, if ever contemplated by its owner(s), will require additional approvals from the Inland Wetlands Agency and or Planning and Zoning Commission;

5. The calculation of the amount to be paid in lieu of dedication is based on the entirety of the original 9.65 acre parcel to be subdivided, using assessor's values for raw land with frontage. This calculation is made based on the uniqueness of this parcel and the circumstances as described and may not necessarily be the methodology used in more traditional subdivision applications. Further, this motion shall not be used to imply that payments in lieu of dedications are the preferred choice of this Commission.

MOTION PASSED UNANIMOUSLY.

3. **New Special Permit Application for wedding venue, 552 Bassetts Bridge Road, J. & J. Bell o/a, PZC File #1217-2**
Item tabled pending 11/7/11 continued public hearing.
4. **New Special Permit Application, Building Replacement & Expansion, 173 Storrs Rd, Natchaug Hospital o/a. PZC File #1305**
Item tabled pending 11/7/11 Public Hearing.
5. **Approval Request: Revised Plans for exhibit building Paideia Greek Theater Project, 28 Dog Lane, File #1049-7**
Item tabled-awaiting information from the applicant.
6. **Modification Request: Building Area Envelope Revision, 87 Jonathan Lane, PZC File #1113-3**
Following extensive discussion regarding the possible relocation of Mr. LeClaire's shed within the BAE, it was agreed that LeClaire work with the Zoning Agent to find a suitable location.

New Business:

1. **Football Field Lighting at E.O. Smith**
Plante MOVED, Pociask seconded, that the Planning and Zoning Commission hereby authorizes the use of temporary lights by E.O. Smith High School for a football game to be held the evening of Wednesday, November 23, 2011 pursuant to the details provided in the letter from Superintendent Bruce Silva dated October 13, 2011. MOTION PASSED with all in favor except Hall and Beal who abstained.
2. **Request for Extension Whispering Glen**
Plante MOVED, Holt seconded, that the Planning and Zoning Commission approve an extension of the special permit approval until September 21, 2012, to Whispering Glen LLC, as authorized pursuant to Article V, Section B.7.e. MOTION PASSED UNANIMOUSLY.
3. **2012 Draft PZC/IWA Meeting Schedule**
Holt MOVED, Plante seconded, that the Planning & Zoning Commission approve the 2012 meeting schedules for the Planning and Zoning Commission and Inland Wetlands Agency. MOTION PASSED UNANIMOUSLY.

Reports from Officers and Committees:

Chairman Favretti noted an email resignation from alternate Loxsom and it was the consensus of the Commission that the Chairman send a letter to him expressing the Commission's gratitude for his service and to wish him well. Chairman Beal of Regulatory Review stated that the next meeting will be October 26th at 1:30 p.m. in Conference Room B. Linda Painter said the Commission should soon be receiving information from the Hussey's attorney and asked the Commission if they would be willing to have a special executive session to discuss their proposal. The Commission unanimously agreed not to hold a special meeting on October 31, the date suggested by the Hussey's attorney.

Communications: Noted.

Adjournment:

Chairman Favretti noted the Field Trip set for 10-25-11 at 1:30 p.m., and adjourned the meeting at 8:40 p.m.

Respectfully submitted,

Katherine Holt, Secretary